

PLG



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,983	08/10/2001	Frank Morrison	12893	5987

7590 11/17/2004  
 KLEINBERG & LERNER, LLP  
 Suite 1080  
 2049 Century Park East  
 Los Angeles, CA 90067

EXAMINER

NAWAZ, ASAD M

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/927,983

Applicant(s)

MORRISON ET AL.

Examiner

Asad M Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 0200 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) <sup>6</sup>
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-3 are presented for examination.
2. Applicant's claim of priority has been acknowledged.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 recites the limitation "themselves" in line 3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Epard et al (US Patent No 5,241,625) further in view of Hickman (US Patent No 6,173,332).

As to claim 1, Epard teaches a host computer for enabling peer-to-peer transfer of data over a computer network between a plurality of guest computers which are themselves operatively connectable over a computer network, the host computer

comprising: a host computing machine operatively connectable to a computer network;  
(Abstract; Fig 2; Fig 5; col 3, lines 5-14 and 30-43)

a memory storage device operatively connected to said host computing machine;  
and a computer program, stored in said memory storage device and executable by said  
host computing machine; (col 3, lines 30-43; col 5, lines 4-6; col 9, lines 41-48; col 13,  
lines 45-60; col 24, lines 62-67)

said computing machine executing said computer program to perform the steps  
of: over a computer network, establishing connection to a plurality of guest computers;  
(col 3, lines 30-43; col 9, lines 41-48; col 13, lines 45-60)

for each of said plurality of guest computers, determining an IP address, a web  
browser type, a guest computer type, and a screen sharing software type; (col 15, lines  
15-20; col 17, lines 45-60; col 55, lines 39-60; col 48, lines 28-68 and col 49, lines 1-27)

However, Epard does not explicitly indicate transferring a hypertext markup  
language page to each of said plurality of guest computers, said page containing a link  
with active code; said active code containing data and containing instructions  
executable on each respective one of said plurality of guest computers, said data and  
instructions causing the operation of a screen sharing program on said respective one  
of said plurality of guest computers, said data and instructions further causing the  
transfer of data from one to another of said plurality of guest computers.

Hickman teaches a host computer for enabling peer-to-peer transfer of data over  
a computer network between a plurality of guest computers which are themselves  
operatively connectable over a computer network, the host computer comprising: a host

Art Unit: 2155

computing machine operatively connectable to a computer network; a memory storage device operatively connected to said host computing machine; and a computer program, stored in said memory storage device and executable by said host computing machine; said computing machine executing said computer program to perform the steps of: over a computer network, establishing connection to a plurality of guest computers; (Abstract; Fig 1; Fig 2; Fig 13; col 4, lines 4-22; col 8, lines 8-20; col 10, lines 1-18; col 12, lines 40-55; col 15, lines 50-55)

for each of said plurality of guest computers, determining an IP address, a web browser type, a guest computer type, and a screen sharing software type; (Abstract; Fig 15; col 9, lines 45-67; col 10, lines 19-30; col 14, lines 4-7; col 18, lines 64-67 and col 19, lines 1-23)

to each of said plurality of guest computers, transferring a hypertext markup language page, said page containing a link with active code; (Fig 3a; col 4, lines 4-22; col 8, lines 52-58)

said active code containing data and containing instructions executable on each respective one of said plurality of guest computers, said data and instructions causing the operation of a screen sharing program on said respective one of said plurality of guest computers, said data and instructions further causing the transfer of data from one to another of said plurality of guest computers. (col 10, lines 1-8; col 11, lines 1-67 and col 12, lines 1-40; col 15, lines 14-30)

It would have been obvious for one with ordinary skill in the art at the time the invention was made to incorporate the teachings of Hickman into those of Epard in

Art Unit: 2155

order to make the system computationally efficient and the increase system functionality. "As communication over wide area networks, such as the Internet, becomes faster, it becomes practical to distribute certain functionality across the network." Also, the system would be more accessible to users through the Internet and WWW. The system would "allow a client computer user to diagnose and fix problems on a host computer, run application programs that are available on host computer, perform maintenance on the host computer, etc." (Hickman: col 3, lines 10-35; col 3 and 4, 63-67 and 1-3; col 5, lines 57-67)

As to claim 2, Hickman teaches a host computer as set forth in claim 1, wherein said transfer of data from one to another of said plurality of guest computers is accomplished without subsequent connection of any of said plurality of guest computers to said host computer. (Abstract; col 4, line 40-41; col 11, lines 1-67 and col 12, lines 1-40)

As to claim 3, Epard teaches a method of viewing on a guest computer, over the Internet, a file which is stored on a remote computer, the method comprising the steps of: providing a remote computer operatively connected to the Internet, said remote computer comprising a screen sharing program, and a memory containing in machine readable form a file which is viewable with the aid of said remote computer screen sharing program; (Abstract; Fig 2; Fig 5; col 3, lines 5-14 and 30-43; col 5, lines 4-6; col 9, lines 41-48; col 13, lines 45-60; col 24, lines 62-67)

providing a guest computer a guest computer screen sharing program, said guest computer screen sharing program being capable of viewing said file stored in said memory of said remote computer; (col 3, lines 30-43; col 9, lines 41-48; col 13, lines 45-60)

operating said guest computer to identify the IP address of said remote computer; operating said remote computer and to construct on said web server a representation of remote computer parameters identified with said remote computer, said remote computer parameters including a remote computer IP address and a remote computer screen sharing software type; (col 15, lines 15-20; col 17, lines 45-60; col 55, lines 39-60; col 48, lines 28-68 and col 49, lines 1-27)

However, Epard does not explicitly indicate a method of viewing on a guest computer, over the Internet, a file which is transmissible over the Internet by said remote computer with the aid of said remote computer web browsing program; providing a guest computer operatively connected to the Internet and a guest computer web browsing program being capable of receiving over the Internet said file stored in said memory of said remote computer; providing a web server operatively connected to the Internet, said web server comprising a web server web browser program; operating said guest computer and said web server to construct on said web server a representation of guest computer parameters identified with said guest computer, said guest computer parameters including a guest computer screen sharing software type and a guest computer its web browser type; operating said remote computer and said web server to

construct on said web server a representation of remote computer parameters identified with said remote computer. operating said web server and said guest computer to transmit to said guest computer a web page with active code, said active code being executable on said guest computer, said active code being determined by said guest computer parameters and said remote computer parameters; and executing said active code on said guest computer to operate said guest computer and said remote computer to transmit said file from said remote computer to said guest computer and to display said file on said guest computer.

Hickman teaches a method of viewing on a guest computer, over the Internet, a file which is stored on a remote computer, the method comprising the steps of: providing a remote computer operatively connected to the Internet, said remote computer comprising a remote computer web browser program, a screen sharing program, and a memory containing in machine readable form a file which is viewable with the aid of said remote computer screen sharing program and transmissible over the Internet by said remote computer with the aid of said remote computer web browsing program;

(Abstract; Fig 1; Fig 2; Fig 13; col 4, lines 4-22; col 8, lines 8-20; col 10, lines 1-18; col 12, lines 40-55; col 15, lines 50-55)

providing a guest computer operatively connected to the Internet, said guest computer comprising a guest computer web browser program and a guest computer screen sharing program, said guest computer screen sharing program being capable of viewing said file stored in said memory of said remote computer, said guest computer web browsing program being capable of receiving over the Internet said file stored in



Art Unit: 2155

said memory of said remote computer; (Abstract; Fig 1; Fig 2; Fig 13; col 4, lines 4-22; col 5, lines 57-65)

providing a web server operatively connected to the Internet, said web server comprising a web server web browser program; (Abstract, Fig 1)

operating said guest computer and said web server to construct on said web server a representation of guest computer parameters identified with said guest computer, said guest computer parameters including a guest computer screen sharing software type and a guest computer its web browser type, operating said guest computer and said web server to identify to said web server the IP address of said remote computer; operating said remote computer and said web server to construct on said web server a representation of remote computer parameters identified with said remote computer, said remote computer parameters including a remote computer IP address and a remote computer screen sharing software type; (Abstract; Fig 15; col 9, lines 45-67; col 10, lines 19-30; col 14, lines 4-7; col 18, lines 64-67 and col 19, lines 1-23)

operating said web server and said guest computer to transmit to said guest computer a web page with active code, said active code being executable on said guest computer, said active code being determined by said guest computer parameters and said remote computer parameters and executing said active code on said guest computer to operate said guest computer and said remote computer to transmit said file from said remote computer to said guest computer and to display said file on said guest

Art Unit: 2155

computer. (Fig 3a; col 4, lines 4-22, col 8, lines 52-58; col 10, lines 1-8; col 11, lines 1-67 and col 12, lines 1-40; col 15, lines 14-30)

It would have been obvious for one with ordinary skill in the art at the time the invention was made to incorporate the teachings of Hickman into those of Epard in order to make the system computationally efficient and the increase system functionality. "As communication over wide area networks, such as the Internet, becomes faster, it becomes practical to distribute certain functionality across the network." Also, the system would be more accessible to users through the Internet and WWW. The system would "allow a client computer user to diagnose and fix problems on a host computer, run application programs that are available on host computer, perform maintenance on the host computer, etc." (Hickman: col 3, lines 10-35; col 3 and 4, 63-67 and 1-3; col 5, lines 57-67)

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M Nawaz whose telephone number is (703) 305-0094. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMC  
\*\*\*

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER